

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE DISTRICT OF SOUTH CAROLINA

UNITED STATES OF AMERICA)	CRIMINAL NO.: 3:10-711-JFA
)	
)	
vs.)	
)	
JIMMY ANDRE ROGERS)	
)	

FINAL ORDER OF FORFEITURE

This matter is before the court upon the United States' motion for a final order of forfeiture as to JIMMY ANDRE ROGERS, ("Defendant", "Rogers") who was convicted of possession of a firearm in a drug trafficking crime. A Judgment and Preliminary Order of Forfeiture ("POF") as to Rogers, was filed on June 29, 2011. The record in this case establishes the following:

1. On July 7, 2010, a Federal Grand Jury in the District of South Carolina returned a three count Indictment in which the Defendant, Jimmy Andre Rogers, was charged with possession of a firearm in a drug trafficking crime, in violation of 18 U.S.C § 924(c)(1), being a felon in possession of a firearm, in violation of 18 U.S.C §§ 922(g)(1), 924 (a)(2) and 924(e) and possession with intent to distribute marijuana, in violation of 21 U.S.C § 841(a)(1) and 841(b)(1)(D).

2. The Indictment provided that upon Rogers' conviction, certain property enumerated therein, or equivalent substitute assets, would be subject to forfeiture to the United States, pursuant to 18 U.S.C. § 924(d), 21 U.S.C. §§ 853, 881 and 28 U.S.C. § 2461(c).

3. On March 2, 2011, Rogers entered a guilty plea to Count 1 of the Indictment, charging him with possession of a firearm in furtherance of a drug trafficking crime, in violation of 18 U.S.C. § 924(c)(1).

4. Based upon Rogers' conviction, the court has determined that the below-described property is subject to forfeiture, in that such property was involved in, Rogers' knowing violations of 18 U.S.C. § 924(c)(1). The court finds that Rogers has an interest in such property, and that this property is subject to forfeiture to the United States pursuant to 18 U.S.C. § 924(d).

5. The court has further determined that the government has established the requisite nexus between the said property subject to forfeiture and the offense for which Rogers has been convicted; therefore, pursuant to 18 U.S.C. § 924(d), the property shall be forfeited to the United States, subject to the provisions of 21 U.S.C. § 853(n) governing third party rights.

6. The court further finds that the United States is entitled to a judgment of forfeiture and possession of the said property pursuant to 21 U.S.C. § 853(g) and Rule 32.2 of the Federal Rules of Criminal Procedure.

7. On June 29, 2011, this court entered the POF as to Rogers, forfeiting all of his right, title and interest in the property described below to the United States.

Firearms/Ammunition:

- A. 9mm Keltec Pistol Serial No.: 90538
Asset ID: 10-ATF-020522
- B. Miscellaneous ammunition consisting of fourteen 9mm Luger WIN cartridges; six 9mm Luger FC cartridges
Asset ID: 10-ATF-020523 & 10-ATF-020524

8. The POF directed the United States to publish notice of the court's Order and the intent of the United States to dispose of the property in accordance with law. The POF also provided that following publication and upon adjudication of all third-party interests in the said property, the court would enter a Final Order of Forfeiture pursuant to 21 U.S.C.

§ 853(n).

9. Beginning on July 1, 2011 and running at least 18 hours per day through July 30, 2011, as required by Rule G(4)(a)(iv)(C) of the Supplemental Rules of Admiralty or Maritime Claims and Asset Forfeiture Action, the United States published notice of the forfeiture on the government website "www.forfeiture.gov", a website of general circulation within the United States and the State of South Carolina, notifying any person, other than the Defendant in this case, claiming interest in the forfeited property that they must file a Petition within sixty (60) days of the notice for a hearing to adjudicate the validity of any alleged legal interest in the property seized.

10. The United States has received no claims or petitions as to the property described below, and the time to file such claims and petitions has passed as provided for by the provisions of 21 U.S.C. § 853(n); therefore, all claims to such property are forever foreclosed and barred.

11. The court has previously determined the Government has established the requisite nexus between the said property and the offenses for which the Defendant has been convicted; therefore, the said property shall be forfeited to the United States pursuant to 18 U.S.C. § 924(d), and 28 U.S.C. § 2461(c).

NOW THEREFORE, upon motion of the United States and for good cause shown,
It is hereby ORDERED, ADJUDGED and DECREED:

1. All right, title and interest in and to the following property is hereby forfeited to the United States of America:

Firearms/Ammunition:

- A. 9mm Keltec Pistol Serial No.: 90538
Asset ID:10-ATF-020522

- B. Miscellaneous ammunition consisting of fourteen 9mm Luger WIN cartridges; six 9mm Luger FC cartridges
Asset ID: 10-ATF-020523 & 10-ATF-020524

2. Pursuant to 21 U.S.C. § 853(n)(7), clear title in and to the above-described property is vested in the United States of America, its successors and assigns, and no other right, title or interests exists therein. All claims to the above-described property are forever foreclosed and barred and the said property shall be disposed of by the United States Marshals Service in accordance with law.

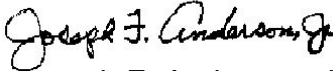
3. The United States Marshals Service and/or their designees are hereby requested to seize the above-described property as directed by the United States Attorney's Office, to be held by the United States Marshals Service in its secure custody and control pending the disposal of the property.

4. The court shall retain jurisdiction to resolve disputes which may arise and to enforce and amend this Order as necessary, pursuant to Fed. R. Crim. P. 32.2(e).

5. The Clerk, U.S. District Court for the District of South Carolina, shall provide one certified copy of this Order to the United States Attorney's Office Asset Forfeiture Unit for service on interested third parties and for other purposes.

IT IS SO ORDERED.

October 13, 2011
Columbia, South Carolina


Joseph F. Anderson, Jr.
United States District Judge